

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

EDDIE L. HALL, # 184752,) C.A. No. 8:05-1402-TLW
)
Petitioner,)
)
vs.) WRITTEN OPINION AND ORDER
STATE OF SOUTH CAROLINA AND)
HENRY MCMASTER, ATTORNEY)
GENERAL OF SOUTH CAROLINA,)
)
Respondents.)
)
)
_____)

In this *pro se* case, the petitioner, who is an inmate at the Evans Correctional Institution serving a fifty-five (55) year sentence following his conviction for trafficking in crack cocaine, possession with intent to distribute cocaine, and distribution of crack cocaine, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his petition, the petitioner alleges that the state trial court was without jurisdiction to try him, since he allegedly had not been provided a timely preliminary hearing. On three (3) prior occasions, the petitioner has also sought relief from the same convictions under 28 U.S.C. § 2254 in this Court.

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce H. Hendricks, to whom this case had previously been assigned. In her Report, Magistrate Judge Hendricks recommends that the instant petition be dismissed, without prejudice and without requiring the respondents to file a return, since the petitioner did not first seek and obtain pre-filing authorization from the Fourth Circuit Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3). Notably, the plaintiff has not filed any objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As stated above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). As well, it is reasonable to conclude that the plaintiff agreed with the Report and the recommendations contained therein.

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the instant habeas corpus petition is **DISMISSED**, without prejudice, and without requiring the respondents to file a return.

IT IS SO ORDERED.

s/ Terry. L. Wooten
Terry L. Wooten
United States District Court Judge

August 23, 2005
Florence, South Carolina